

SECTION III—REMARKS

This election and amendment is in response to the Office Action mailed 10 September 2007.

Actual/Intended Restriction

In the Office Action, the claims were restricted into three groups that the Examiner asserts are drawn to patentably distinct inventions:

- I. Group I, comprising claims 1-14 and drawn to a capillary pump loop cooling system.
- II. Group II, comprising claims 15-25 and drawn to a condenser. Within group II, the Examiner asserts that there are two patentably distinct species: species I, shown in Figures 2A, 2B and 2C; and species II, shown in figures 3A and 3B.
- III. Group III, comprising claims 26-30 and drawn to an evaporator. Within group III, the Examiner asserts that there are three patentably distinct species: species I, shown in Figures 4A, 4B, 4C and 4D; species II, shown in figures 6A and 6B; and species III, shown in figures 7A and 7B.

The Examiner accurately notes that claims in group II are drawn to a condenser, but the two species identified by the Examiner within group II (figures 2A-2C and figures 3A-3B) are evaporators (see brief description of the drawings on pages 4-5 of the specification). Similarly, the Examiner accurately notes that claims in group III are drawn to an evaporator, but the three species identified by the Examiner within group III (figures 4A-4D, figures 6A-6B and figures 7A-7B) are condensers. Applicants therefore believe that the restriction intended by the Examiner was as follows:

- I. Group I, comprising claims 1-14 and drawn to a capillary pump loop cooling system.
- II. Group II, comprising claims 15-25 and drawn to a condenser. Within group II, the Examiner asserts that there are three patentably distinct species: species I, shown in Figures 4A, 4B, 4C and 4D; species II, shown in figures 6A and 6B; and species III, shown in figures 7A and 7B.
- III. Group III, comprising claims 26-30 and drawn to an evaporator. Within group III, the Examiner asserts that there are two patentably distinct species: species I, shown in Figures 2A, 2B and 2C; and species II, shown in figures 3A and 3B.

Based on the restriction Applicants believe the Examiner intended, Applicants' have elected group III. Within group III, Applicants provisionally elect species I (figures 2A-2C). Claims reading on species I include new claims 31-35 (see below). Both elections are made without traverse.

If the Examiner did not intend the above restriction on which Applicants have based their election, Applicants respectfully request that the Examiner issue another restriction that clarifies the intended groups and species.

Un-Entered Preliminary Amendment

Applicants note that claims 1-26 were canceled by a preliminary amendment filed with the application, meaning that one of the claims canceled in the preliminary amendment corresponds to a claim in elected group III. The preliminary amendment appears not to have been entered, but to avoid future confusion as to which claims are pending in the application Applicants have canceled all original claims and have added new claims starting from number 31

(the number following the highest claim number previously used). The text of new claims 31-35 corresponds to the text of the claims in elected group III. Claims 31-35 read on elected species I.

Consideration of the elected claims is respectfully requested.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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